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PATENT

Attorney Docket No. 5432/55399

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Boden et al.)
Serial No.: 10/806,922)
Filed: March 23, 2004)
For: BATTERY PASTE ADDITIVE AND)
METHOD FOR PRODUCING)
BATTERY PLATES)

Attention: Office of Petitions
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 20, 2005.

Charles T. Riggs, Jr. 5-20-05
Charles T. Riggs, Jr., Reg. No. 37,430 Date

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Sir:

This Petition to Revive is in response to the Notice of Abandonment mailed February 18, 2005.

The above identified application became abandoned, unintentionally, for failure to file a timely and proper reply to the Notice to File Corrected Application Papers dated June 4, 2004. Applicant's counsel has no record of ever having received the June 4, 2004 Notice to File Corrected Application Papers.

After receiving the Notice of Abandonment mailed February 18, 2005, and after thoroughly searching for the missing Notice to File Corrected

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Application Papers, Applicant's counsel contacted the Examiner inquiring about the same. The Examiner then faxed to Applicant's counsel on February 28, 2005, a copy of the missing Notice to File Corrected Application Papers. Thereafter, Applicant's counsel has been in the process of having formal drawings (17 sheets) prepared, as well as preparing a Preliminary Amendment necessitated by the formal drawings. Additionally, Applicant's counsel has been preparing a formal Response to the Notice to Filed Corrected Application Papers, as well as this Petition to Revive.

The preparation of all of these papers having now been completed, Applicant respectfully submits this Rule 1.137(b) Petition for Revival of the above identified application, which was abandoned unintentionally. Provided herewith are the following:

1. The \$1500 Petition Fee, submitted via the enclosed Form PTO-2038;
2. The Reply (Response) to the Notice to File Corrected Application Papers, including 17 sheets of formal drawings, and a copy of the Notice;
3. A copy of the Notice of Abandonment;
4. A Preliminary Amendment; and
5. The below Statement that the entire delay was unintentional.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

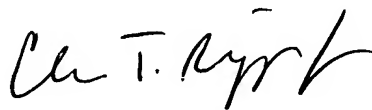
The granting of this Petition is respectfully requested.

The Commissioner is hereby authorized to charge any additional or deficient fees which may be required to Deposit Account No. 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

PATULA & ASSOCIATES, P.C.



Charles T. Riggs Jr.

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One of the Attorneys for Applicant

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/806,922	03/23/2004	David Paul Boden	5432/55399

Timothy T. Patula
 Patula & Associates, P.C.
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 Chicago, IL 60603



CONFIRMATION NO. 3876

ABANDONMENT/TERMINATION
LETTER

OC000000015224217

Date Mailed: 02/18/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/04/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE